RESPONSE AND REMARKS

Claims 1-63 have been cancelled and new Claims 64-79 have been added to more distinctly claim the invention. Entry of the amendments and reconsideration of the application, as amended, are respectfully requested.

The Examiner organized the Office action by numbered topics. In this Response, responsive measures refer to the Office action topic numbers with the abbreviation Topic Number.

INFORMATION DISCLOSURE STATEMENT REFERENCE

In the Office action, the Examiner stated that, "[i]n regard to the Information Disclosure Statement filed 24 November 2004, reference number 2 has not been considered, since it can not be found." A duplicate copy of the Reference number 2 (a non-patent document by The Gale Group, entitled "A 'Blue Chip' Mailroom Investment" (Modern Office Technology, August 1984, Pg. 98., vol. 29)) that was cited in, and that was attached to (when filed), the Information Disclosure Statement filed November 22, 2004 and designated on the return postcard as received by the Patent Office on November 24, 2004, is attached hereto.

DRAWINGS

In the Office Action (Topic Number 3), the Examiner stated that "[t]he proposed drawing correction filed July 15, 2004 has been approved." Accordingly, corrected formal drawings for drawings 10A, 10B, 10C, 10D, 10E, 24, 25, 27A, 27B, 27C, 30, 31, 32, 33A, 33B, 36A, 36B, 36C, 36D, 36E, 36F, 37A, 37B, 39A, 39B, 39C, 43, 64A-1, 64A-2, 64B-1, 64B-2, 65A, 65B, and 72 are submitted herewith.

SPECIFICATION

In the Office action, the Examiner objected to the specification on multiple grounds.

In the Office action (Topic Number 4(A)(1)(a)), the Examiner objected to FIG. 36A because the specification mentioned the number 1071 whereas the drawings do not show an element 1071 unqualified with suffixes. It is respectfully submitted that the specification reference to the number 1071 is a reference to drawing elements 1071-1-1 through 1071-6-7; it is further respectfully submitted that drawing elements 1071-1-1 through 1071-6-7 are properly referenced because the specification explains that "cells" of the Graphic Array are referenced by the number 1071 in combination with the intersecting row number (1 through 6) and column number (1 through 7). See Substitute Specification ((previously filed); the "Specification"), page 47, line 21 - page 48, line 6, paragraphs [0256] and [0257]. For example, cell 1071-1-1 references the cell of the Graphic Array in the first row (1) and the first column (1).

In the Office action (Topic Numbers 4(A)(2)(a) and 5(B)(1)(a)), the Examiner objected to the specification regarding certain element reference numbers with alphabetic suffixes appearing in FIG. 7. It is respectfully submitted that the specification properly references the alphabetic-suffixed element numbers in FIG. 7 in that, as explained in the specification on page 15, lines 19-22, paragraph [0113], that "suffixes such as "a" through "n" in connection with numbered elements of the FIGURES herein are exemplary and are not a limitation of the invention to any particular number. Rather, the suffixes "a" through "n" and "a" through "z", and similar notations, are used to represent any, but unknown, number of similar elements." Further, the numeric component of the objected to element numbers (9 of objected to element 9n, 11 of objected to element 11n, 12 of objected to element 12n, 13 of objected to element 13n, 21 of objected to element 21a, 1003 of objected to elements 1003a – 1003d, 1024 of objected to element 1024n, and 1027 of objected to element 1027n) are discussed with reference to FIGS. 3 and 4, beginning on page 16, line 6, paragraph [0116], through page 17, line 6, paragraph [0119].

In the Office Action (Topic Number 5 (A)), the Examiner objected to the disclosure, stating that "applicant must update . . . the application data on page 1 . . . " It is respectfully submitted that the references on page 1 of the application

are all to U.S. provisional applications. Reference to prior provisional applications is proper if presented in the form, e.g., "U.S. Provisional Application No. 60/---, filed --- . . . ." *See* MPEP § 201.11.III.B. It is respectfully submitted that the references to application on page 1 of the application are in proper form and do not require an update.

In the Office action (Topic Number 5(B)(1)(b)), the Examiner objected to the specification in that element 2090 shown in FIG. 72 was not referenced in the specification. To resolve this objection, an amendment to the specification is provided above.

In the Office Action (Topic Numbers 4(A)(3) and 5(B)(2)(a)), the Examiner objected to the specification regarding processing from step 620 (FIG. 27B), if the answer to the inquiry at step 620 is "No". It is respectfully submitted that paragraph [0196] of the previously submitted substitute specification reflected an amendment to resolve the Examiner's previously stated objection. Specifically, paragraph [0196] was amended in the previously submitted substitute specification as follows:

> [0196] In one embodiment, if no weight difference is determined, as long as the Shipper's cursor remains on the Weight field 1051 (such as the Weight field 1051 depicted in FIGS. 15 and 26), the System polls the scale repeatedly requesting the weight and requesting notification that the weight is stabilized 619. Each time the System polls the scale, the System tests to determine 620 whether or not there is a difference in the weight as compared with the last time that the System polled the scale. If the System determines a difference in weight, then the System uses the Shipping Station ActiveX Control to fire an event 621 to the client web browser to display on the User Interface screen that the weight has changed.

It is respectfully submitted that the above-mentioned amendment to the specification makes clearer the description of the "No" path from step 620 when read with paragraph [0197] that follows:

> [0197] In one embodiment, once the Shipper removes the cursor from the Weight field 1051, the System stops polling the scale 622. If prior to the last polling to the scale, the scale notifies the System that the weight

has stabilized 623, the System will proceed with preparing the Graphic Array if requested to do so by the Shipper 625. Otherwise, if the System determines a difference in weight, the System notifies the Shipper that the weight is not stable 624.

In the Office Action (Topic Number 5(B)(2)(b)), the Examiner objected to the specification regarding element 3026 of FIG. 36C and 36D, finding that if the answer to the inquiry at test 3028 is "No", that the path to step 3028 is not depicted. It is respectfully submitted that the specification describes the patch to step 3028 when the answer to test 3028 is "No" in that, in paragraph [0295], the specification states:

> 1) determine if the particular carrier supports the given billing option based on step 2, 3026. If not, continue with the next carrier 3027; 2) Apply carrier business rules . . . (If the rate input violates carrier business rules 3026, continue to next carrier 3027); 3) Determine the zone ID from CarrierZone table for the given origin/destination postal codes 3028;

It is respectfully submitted that the 3028 path for a "No" answer to the 3026 test is implicit in the above-cited disclosure in the specification of process 3028 to "Determine the zone ID...".

In the Office Action (Topic Number 4(A)(4)), the Examiner objected to the above-cited statement in the specification (in paragraph 0295) that "If the rate input violates carrier business rules 3026, continue to next carrier 3027"; the Examiner objected with the statement, saying that the statement does not correspond to FIGS. 36C and 36D. It is respectfully submitted that the statement "If the rate input violates carrier business rules 3026, continue to next carrier 3027" does correspond to FIGS. 36C and 36D. Specifically, FIG. 36C depicts test 3026 as asking the question "Do package weight and dimensions violate carrier business rules?" The "Yes" path for test 3026 points to the process 3027, labeled as "Continue to next Carrier." That is, if (as tested in test 3026) carrier business rules are violated ("Yes"), Continue to next Carrier (process 3027).

In the Office Action (Topic Number 5(B)(2)(c)), the Examiner objected to the specification regarding the "No" answer logic flow path to the inquiries of

elements 1163, 1168, 1169, 1172, and 1175 of FIG. 39B. It is respectfully submitted that the referenced "No" paths are implied in the specification as follows: the 1163 "No" path is implied in paragraph [0315] via the discussion of the 1163 "No" path, namely, test 1168; the 1168 "No" path is implied in paragraph [0317] via the discussion of test 1169, which is the test that is performed for the 1168 "No" path; the 1169 "No" path is implied in paragraph [0319] via the discussion of test 1172, which is the test that is performed for the 1169 "No" path; the 1172 "No" path is implied in paragraph [0321] via the discussion of test 1175, which is the test that is performed for the 1172 "No" path; and the 1175 "No" path is implied in paragraph [0323] via the discussion of Next 1179, which is the step that is performed for the 1175 "No" path.

In the Office Action (Topic Number 5(B)(2)(d)), the Examiner objected to the specification regarding the "No" answer logic flow path to the inquiries of elements 1180, 1184, 1187, and 1190 of FIG. 36C. It is respectfully submitted that the referenced "No" paths are implied in the specification as follows: the 1180 "No" path is implied in paragraph [0325] via the discussion of test 1184, which is the test that is performed for the 1180 "No" path; the 1184 "No" path is implied in paragraph [0327] via the discussion of test 1187, which is the test that is performed for the 1184 "No" path; the 1187 "No" path is implied in paragraph [0329] via the discussion of test 1190, which is the test that is performed for the 1187 "No" path; and the 1190 "No" path is implied in paragraph [0329] via the discussion of proceeding with the next Carrier/Service in the delivery rate set 1157 "[i]f the particular Carrier/Service does not support "Loss Protection" services...".

SECTION 112

In the Office Action (Topic Number 7), the Examiner rejected Claims 1-6, 8-27, 29-48, and 50-63 on various grounds under 35 U.S.C. §112. As noted above, these claims have been cancelled.

SECTION 101

In the Office Action, the Examiner rejected Claims 1-63 under 35 U.S.C. § 101. As noted above, these claims have been cancelled.

REJECTIONS UNDER SECTIONS 102 AND 103

In the Office Action, Claims 1-4, 7-14, 22-25, 28-35, 43-46 and 49-56 were rejected as being anticipated by one or more references under 35 U.S.C. §102(a), 102(b), and 102(e). In addition, Claims 5, 6, 15-21, 26, 27, 36-42, 47, 48, and 57-63 were rejected under 35 U.S.C. § 103 as being obvious in view of various references. As noted above, applicants have cancelled claims 1-63 and replaced these claims with new claims 64 – 79. These new claims include new independent claims 64 and 74, and new dependent claims 65-73, and 75-79. New independent Claims 64 and 74 are discussed briefly below:

Independent Claim 64

New independent claim 64 is directed to a shipping management computer system that is programmed for:

receiving, from a user, a set of package specifications for a particular package that is to be delivered to a particular destination;

determining a first shipping rate, said first shipping rate being a rate that a first carrier would charge to deliver said package to said destination according to a first delivery service;

determining a second shipping rate, said second shipping rate being a rate that said first carrier would charge to deliver said package to said destination according to a second delivery service;

determining a third shipping rate, said third shipping rate being a rate that a second carrier would charge to deliver said package to said destination according to a third delivery service;

determining a fourth shipping rate, said fourth shipping rate being a rate that said second carrier would charge to deliver said package to said destination according to a fourth delivery service;

simultaneously displaying said first, second, third, and fourth shipping rates to said user; and

receiving a request from said user to ship said package to said destination via a particular delivery service, said particular delivery service being selected from a group consisting of: (A) said first delivery service; (B) said second delivery service; (C) said third delivery service, and (D) said fourth delivery service; and

facilitating delivery of said package to said destination via said particular delivery service.

Applicants respectfully assert that the prior art references cited by the Examiner do not teach or suggest all of the limitations of new Claim 64. One advantage of a shipping management computer system according to various embodiments of the system claimed in new Claim 64 is that such embodiments allow for a simultaneous cross-comparison of the various rates associated with multiple delivery services provided by each of a plurality of carriers. For example, such a system could be configured for simultaneously displaying: (1) the shipping rate that UPS would charge to deliver a package via overnight delivery; (2) the shipping rate that UPS would charge to deliver the package via second day delivery; (3) the shipping rate that Federal Express would charge to deliver a package via overnight delivery; and (4) the shipping rate that Federal Express would charge to deliver the package via second day delivery. Such a display may be useful in allowing users to quickly compare the delivery services (and associated rates) of various carriers.

Independent Claim 74

New independent Claim 74 is directed to a shipping management computer system that is programmed for:

identifying a first day on which a first carrier would deliver a particular package to a particular destination if said first carrier were to deliver said package to said destination via a first delivery service;

identifying a second day on which said first carrier would deliver said package to said destination if said first carrier were to deliver said package to said destination via a second delivery service;

identifying a third day on which a second carrier would deliver said package to said destination if said second carrier were to deliver said package to said destination via a third delivery service;

identifying a fourth day on which said second carrier would deliver said package to said destination if said second carrier were to deliver said package to said destination via a fourth delivery service; and

simultaneously displaying to a user:

(A) a first delivery schedule indicia indicating that said first carrier would deliver said package to said destination on said first day if said first carrier were to deliver said package to said destination via said first delivery service;

(B) a second delivery schedule indicia indicating that said first carrier would deliver said package to said destination on said second day if said first carrier were to deliver said package to said destination via said second delivery service;

(C) a third delivery schedule indicia indicating that said second carrier would deliver said package to said destination on said third day if said second carrier were to deliver said package to said destination via said third delivery service; and

(D) a fourth delivery schedule indicia indicating that said second carrier would deliver said package to said destination on said fourth day if said second carrier were to deliver said package to said destination via said fourth delivery service.

Applicants respectfully assert that the prior art references cited by the Examiner do not teach or suggest all of the limitations of new Claim 74. One advantage of a shipping management computer system according to various embodiments of the system claimed in new Claim 74 is that such embodiments

allow for a simultaneous cross-comparison of the various schedules according to which a package would be delivered via multiple delivery services provided by each of a plurality of carriers. For example, such a system could be configured for simultaneously displaying: (1) the date on which UPS would deliver a package via an "overnight" delivery service; (2) the date on which UPS would deliver the package via an "second day" delivery service; (3) the date on which Federal Express would deliver the package via an "overnight" delivery service; and (4) the date on which Federal Express would deliver the package via a "second day" delivery service. Such a display may be useful in allowing users to quickly compare the dates on which a package would actually be delivered if the user were to send the package via various delivery services. This can be especially useful if different carriers have different polices regarding, for example, whether a package sent via overnight delivery on a Friday would be delivered on the next weekday (Saturday) or on the next business day (Monday).

CONCLUSION

In view of the foregoing amendments, and for the foregoing reasons and authorities, Applicant respectfully submits that the invention disclosed and claimed in the present application, as amended, is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of the application as reflected in the previously submitted substitute specification and as amended herewith.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By _____
Marilyn R. Khorsandi
Reg. No. 45,744
626/796-2856

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Abstract: Merrill Lynch Pierce Fenner & Smith Inc. has been using Shipsystems Ltd.'s Computerized Package Manifesting System since May 1983. This system calculates shipping costs and verifies destination and carrier codes. The computer system is fast, efficient, secure, cost-effective and virtually error-free. This modular system is reliable and can be expanded or changed to meet the future needs of a company. A photograph of the system in operation is included.

Text:

Merrill Lynch Pierce Fenner & Smith Inc., long known for being bullish on America, becomes a real bear when its private-carrier mail is delayed.

In the volatile business of selling stocks and bonds, it is important that time-sensitive--and oftern confidential -- material from the Merrill Lynch New York City headquarters gets to regional offices as quickly and efficiently as possible. About 800 packages are sent by express couriers each day to the company's 600 foreign and domestic offices. To help speed this, Merrill Lynch recently installed a computerized mail manifesting ···· ··l from Ship-systems, Ltd., Atlanta.
    The Computerized Package Manifesting System, installed in May, 1983, enables the distribution center in New York to operate faster, with greater control and security, while using fewer people, says Jim Cioffi, Merrill Lynch assistant vice president and manager of transportation services. Two people can now do the work of three or more in the center, and the $22,675 system is projected to save enough money to pay for itself in eight to 10 months, Cioffi adds. The entry level custom system price begins at $15,900.
    Computer printouts, microfiche, research reports, prospecti, interoffice correspondence, commodity publications, and other materials are some of the typical kinds of shipments originating from headquarters.
    Before installing the computerized system, package manifesting was a manual procedure: Handwritten information and manual tallying slowed down the operation and led to erors, especially when someone's handwritten manifest had to be deciphered. Each manifest required several documents as well. Searching through this documentation could devour time when a parcel had to be traced.
    The Computerized Package Manifesting System helped solve some of these problems as well as streamline manifesting. Now, packages up to 200 lb are qeighed on an electronic scale, and the weight is displayed on a digital read-out for the distribution center workers. The person manifesting the package then uses a small hand-held portable entry handle--at a remote data entry station about 150 feet from the computer--to enter the package indentification number, the correct express courier code,

and the destination identifier. The information from the remote station is transmitted through a cable connection to the computer.

*the computer system then takes over. It calculates the package's shipping cost and verifies the destination and carrier codes. If Purolator Courier is selected, but for example, the DHL World-wide Courier Express Air System code is entered, the computer system will query the worker, in essence, asking: "Did you really mean that?" Cioffi says this self-checking has made manifesting virtually error-free.

Multiple package shipments to the same destination are faster because a repeat key can automatically complete the manifest once the package is weighed in. The system also improves package information security because there are no longer several unsecured documents for each bundle. Instead, the system's printer, CRT display, computer, disk drive, and diskettes are kept in a locked office. As scale signals and data entered by the operator are transmitted to the computer, the printer automatically generates the necessary shipping manifest.

Efficiency as well as security is served by centralized computer operations. During the day, a supervisor can enter the office and, at the touch of a button, get computer generated reports showing the number of parcels and their weights, for each carrier. This allows for better scheduling of carrier pick-ups and reduces truck turn-around time. Trucks leaving the distribution center have all of the packages being sent to a destination. The report also makes for precise shipping cost allocation because it displays running totals for each courier.

Merrill Lynch also has the option to have the manifesting program changed by Shipsystems via telephone. A modem attached to the system in New York permits programs or rates to be updated over regular telephone lines from Shipsystem's headquarters in Atlanta.

"I've searched for a system like this for many years," Cioffi says. "Before the current installation, we had a similar type of system from a different manufacturer, but found it too slow and inaccurate. There were also too many breakdowns." The system now in operation has only broken down since its installation, Cioffi notes. Shortly after it was installed, a connection broke, but very little productivity time was lost. The system diagnosed its own problem, enabling it to be quickly corrected.

"We now have better control over out entire shipping operation, from the standpoints of information, people, equipment, costs, and other factors; plus, the ability to quickly trace any shipment," Cioffi explains. "especially significant, is the fact the system will become even more vital to us as Merrill Lynch grows larger and more diverse. Yet, because of its modular design, the com computerized manifest system can be economically expanded and changed to meet any future requirements, expansion for instance, we may have."

The Shipsystems Computerized Mail Manifesting System has brought computer power to "bear" on the Merrill Lynch distribution center. And that's no "bull."

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